

SEP 30 2004

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To: Commissioner for Patents for Examiner Debbie M. Le Group Art Unit 2177	Facsimile No.: 703/872-9306
From: Dell Whitton Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
Message:  Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Notice of Appeal.</li></ul>	
Re: Application No. 09/439,054 Attorney Docket No: AT9-99-234	
Date: Thursday, September 30, 2004	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Gusler et al.**Serial No.: **09/439,054**Filed: **November 12, 1999**For: **Enhanced Backup and Recovery  
Methodology**§  
§  
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§  
§Group Art Unit: **2177**Examiner: **Le, Debbie M.**Attorney Docket No.: **AT9-99-234**RECEIVED  
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Commissioner for Patents  
P.O. Box 1450  
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PATENT TRADEMARK OFFICE  
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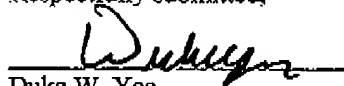
Sir:

ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0447.

Respectfully submitted,

  
Duke W. Yee

Registration No. 34,285

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Dallas, Texas 75380

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ATTORNEY FOR APPLICANTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 30 2004

In re application of: **Gusler et al.**§  
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§Group Art Unit: **2177**Serial No.: **09/439,054**Examiner: **Le, Debbie M.**Filed: **November 12, 1999**Attorney Docket No.: **AT9-99-234****For: Enhanced Backup and Recovery  
Methodology**Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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Alexandria, VA 22313-1450, facsimile number (703) 872-9306  
on September 30, 2004.

By: *Dell Whitton*

Dell Whitton

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated July 30, 2004 finally rejecting claims 1, 4-17 and 20-38.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

*Duke W. Yee*  
Duke W. Yee

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